

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Thursday, June 10, 2004
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

PLEASE NOTE CHANGE IN MEETING DATE

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 26, 2004, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 2, 2004 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 26, 2004.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: May 12, 2004.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Eric Anderson (tentative Resolution No. R9-2004-0029) (*John Robertus*)

Consent Calendar: Items 6 through 11 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

6. Rescission of Waste Discharge Requirements. These facilities are closed, have terminated operations, or no longer require the WDRs because of coverage under a different permit. (Tentative Order No. R9-2004-0042 (*Whitney Ghoram*))

Order No. 94-138, *Waste Discharge Requirements for Mr. Pete De Jong, Hollandia Dairy, San Marcos, California, San Diego County.*

Order No. 94-129, *Waste Discharge Requirements for Mr. Jake De Raadt, Edenvale Dairy, San Diego County.*

Order No. 93-120, *Waste Discharge Requirements for Calmat, Lakeside Plant, San Diego County.*

Order No. 95-56, *Waste Discharge Requirements for El Toro Materials – Glass Canyon Facility, Orange County.*

Order No. 95-11, *Waste Discharge Requirements for Caetana Swiss Dairy, Santa Ysabel, San Diego County.*

Order No. 95-12, *Waste Discharge Requirements for Mr. Phillip Cauzza, Mesa Chiquita Ranch Dairy, San Diego County.*

Order No. 91-78, *Waste Discharge Requirements for Encina Wastewater Authority, Encina Water Pollution Control Facility Reclaimed Water Irrigation of Interstate 5 Right-of-Way, San Diego County.*

Order No. 82-03, *Water Reclamation Requirements for Daon Corporation for Landscape Irrigation in the Buena Sanitation District, San Diego County.*

Order No. 93-45, *Waste Discharge Requirements for Bio Gro Systems, Incorporated, Riverside County.*

Order No. 97-32, *Waste Discharge Requirements for Wheelabrator Water Technologies, Incorporated, Bio Gro Division Land Application of Biosolids to Agricultural Sites in San Diego County.*

Order No. 97-42, *Waste Discharge Requirements for Pima Gro Systems, Incorporated, Land Application of Biosolids to Agricultural Sites in San Diego County.*

Order No. 88-17, *Waste Discharge Requirements for Caster Group, Lakeside Sand Plant, (previously Woodward Sand and Materials Company) San Diego County.*

Order No. 94-137, *Waste Discharge Requirements for Cloverdale Dairy, San Diego County.*

7. NPDES Permit: Waste Discharge Requirements for Van Ommering Dairy, San Diego County (tentative Order No. R9-2004-0065, NPDES Permit No. CA0109207) (*Sabine Knedlik*)
8. NPDES Permit Renewal: Waste Discharge Requirements for Sweetwater Authority Lower Sweetwater River Basin Groundwater Demineralization Plant, San Diego County (tentative Order No. R9-2004-0111, NPDES Permit No. CA0108952) (*Paul Richter*)
9. Sea World San Diego: Administrative Assessment of Civil Liability containing a \$6,000 Mandatory Minimum Penalty against Sea World San Diego for violation of effluent limitations established by Order No.2000-25, NPDES No. CA0107336, Waste Discharge Requirements for Sea World San Diego, San Diego County, Discharge to Mission Bay. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0194) (*Rebecca Stewart*)
10. San Elijo Joint Powers Authority: Administrative Assessment of Civil Liability containing a \$3,000 Mandatory Minimum Penalty against the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility for violation of an effluent limitation established by Order No. 99-71, NPDES No. CA0107999, Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0195) (*Rebecca Stewart*)
11. Administrative Assessment for Civil Liability against the various Discharges listed below for Non-Payment of fiscal year 2003 construction storm water annual fees in violation of California Water Code section 13260. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (*Vicente Rodriguez*)

NO	AGENCY / FACILITY NAME	LOCATION	CITY	WDID	TENTATIVE ACL ORDER NO.
A	BIRTCHEER COMMERCIAL DEV PALM TERRACE	25521 25531 AND 25541 COMMERC	LAKE FOREST	S9 30C311900	R9-2004-0196
B	CENTURIAN CO INC SUN VILLA HOMES PC 02 021	2240 San Clemente Ave	VISTA	S9 37C318694	R9-2004-0199
C	BUIE CMNTY INC TRACT 23435	LINCOLN AND NUTMEG ST	MURRIETA	S9 33C313984	R9-2004-0198

D	DR HORTON LA HOLDING CO TR 23310 HIGHPOINT AT WILDOMAR	35454 ORO CT	WILDOMAR	S9 33C316679	R9-2004-0200
E	GALE & WENTWORTH CA LLC CARLSBAD CORPORATE CTR	EL CAMINO REAL AND FARADAY	CARLSBAD	S9 37C313860	R9-2004-0201
F	KB HOMES COASTAL BRINDLEWOOD & EASTLAKE	KING CREEK WAY AND HUNTE PKWY	CHULA VISTA	S9 37C311910	R9-2004-0202
G	KB HOMES COASTAL EMERALD & OLIVE AVE	EMERALD AND OLIVE AVE	OCEANSIDE	S9 37C311444	R9-2004-0203
H	KB HOMES COASTAL LAKE RANCHO VIEJO	3404 AVOCADO VISTA LN	FALLBROO K	S9 37C312175	R9-2004-0204
I	KB HOMES COASTAL MAR DEL SOL III & VIENTO	E PALOMAR AND PASEO LADERA	CHULA VISTA	S9 37C316291	R9-2004-0205
J	KB HOMES COASTAL MISSION SANTA FE SCENIC RIDGE	NORTH SANTA FE AVE AND MES	OCEANSIDE	S9 37C314209	R9-2004-0206
K	KB HOMES COASTAL SUNBOW PH1C UNIT 5	1417 VENTERS DR	CHULA VISTA	S9 37C314394	R9-2004-0207
L	KB HOMES COASTAL WOODCREEK & EASTLAKE TRAILS	SILVER SPRINGS CLUBHOUSE DR	CHULA VISTA	S9 37C311908	R9-2004-0208
M	MERIT PROP MGMT ICO CZ COTO DE CAZA SPORT PARK	31137 ALTA DR	COTO DE CAZA	S9 30C314479	R9-2004-0210
N	REDEEMER BY SEA LUTHERAN POINTSETTIA LANE REACH C	POINSETTIA LANE	CARLSBAD	S9 37C319280	R9-2004-0215
O	SAN DIEGO CO SHERIFFS DEPT SAN DIEGO FIREARMS TRAINING	446 ALTA RD	SAN DIEGO	S9 37C319064	R9-2004-0216
P	SUNROAD ENT OLD COACH RD & OLD COACH WAY	OLD COACH RD & OLD COACH WAY	POWAY	S9 37C308245	R9-2004-0221

Remainder of the Agenda (Non-Consent Items):

12. NPDES Permit Reissuance: County of Riverside, City of Murrieta, City of Temecula, and the Riverside Flood Control and Water Conservation District; Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems within the Santa Margarita Watershed. **Both the oral and written public comment periods for this item are closed. Additional comments on this item will not be allowed.** The Regional Board will deliberate on the tentative requirements considering testimony submitted prior to close of public comment period and will make a decision on the adoption of tentative Order No. R9-2004-0001 (NPDES Permit No. CAS0108766). (*Megan Quigley*)
13. **PUBLIC HEARING:** 2004 Basin Plan Triennial Review. A hearing on the 2004 Basin Plan Triennial Review will be held to receive testimony pertaining to the 2004 Basin Plan Triennial Review Tentative Resolution, technical report, and supporting documents. (Tentative Resolution No. R9-2004-0156) (*Jody Ebson and Laurie Walsh*)
14. **PUBLIC HEARING:** KB Home Coastal, Oceanside: Administrative Assessment of Civil Liability containing a \$12,000 Mandatory Minimum Penalty against a KB Home Coastal construction project referred to as Mar Lado Pump Station in Oceanside Calif. for violation of effluent limitations established by Order No. 2001-096, NPDES No. CAG919002, Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within San Diego Except for San Diego Bay. (Tentative Order No. R9-2004-0193) (*Sabine Knedlik*)

15. Waste Discharge Requirements: Lake Cuyamaca Recreation and Park District Recreation Area near Julian, San Diego County (tentative Order No. R9-2004-0015) (*Bryan Ott*)
16. **PUBLIC HEARING:** Administrative Assessment for Civil Liability against the various Discharges listed below for Non-Payment of fiscal year 2003 construction storm water annual fees in violation of California Water Code section 13260. The Regional Board will decide on an order assessing liability. (*Vicente Rodriguez*)

NO	FACILITY NAME	LOCATION	CITY	WDID	TENTATIVE ACL ORDER NO.
A	BRIDGEPORT BUILDERS LLC BRIDGEPORT BUILDERS	CONSTANCE ST	TEMECULA	S9 33C319394	R9-2004-0197
B	LANDGRANT DEV PM 27987 VAIL RNCH CTR	HWY 79 SOUTH	TEMECULA	S9 33C311818	R9-2004-0209
C	MESA VERDE DEL MAR DEER CANYON SEWER	DEER CANYON	SAN DIEGO	S9 37C317102	R9-2004-0211
D	METROPOLITAN TRANSIT DEV SORRENTO VALLEY COMMUTER STATION	ADJ TO SORRENTO VALLEY RD	SAN DIEGO	S9 37C318628	R9-2004-0212
E	RANCHO LA COSTA VILL LLC RANCHO LA COSTA VILLAGE	RANCHO SANTA FE AND LA COSTA	CARLSBAD	S9 37C314585	R9-2004-0214
F	SAN DIEGO UNIFIED SCH DIST BROOKLYN KIMBROUGH AREA ELEMENTARY	A ST AND C ST AND 33RD ST	SAN DIEGO	S9 37C319073	R9-2004-0217
G	SAN DIEGO UNIFIED SCH DIST NEW WINONA AREA ELEMENTARY SCHOOL	WINONA AVE 7 ESTRELLA AVE	SAN DIEGO	S9 37C318738	R9-2004-0218
H	SAN MARCOS 54 LLC SAN MARCOS TRACT 419	MISSION RD BT LIBERTY & COMET	SAN MARCOS	S9 37C319236	R9-2004-0219
I	SARES REGIS GRP WINDSONG SHORES	4200 HARBOR DR	CARLSBAD	S9 37C312196	R9-2004-0220
J	TAYLOR WOODROW HOMES CASITAS	7220 BLACK MOUNTAIN RD	SAN DIEGO	S9 37C316182	R9-2004-0222

17. Status Report: Discussion of Proposal for the San Vicente Groundwater Basin and Non-compliance with Order No. 93-03, Waste Discharge Requirements for the Ramona Municipal Water District, San Vicente Treatment Plant, San Diego County (*Bryan Ott*)
18. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
- People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (*David Hanson*); and the related “Surfrider” case:
- Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS) (*David Hanson*)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 819771 (referred to as “MMP case”); Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements. (*Frank Melbourne*)

Fallbrook Public Utilities District v. State Water Resources Control Board, et al., San Diego County Superior Court Case No. GIC822179 (referred to as “Permit Modification case”); Regional Board failure to act on a request by Fallbrook PUD to amend certain permit conditions contained in NPDES waste discharge requirements. (*Victor Vasquez*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

19. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
20. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.

Schutte & Koerting, Inc. and Ametek, Inc v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region
21. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
22. Arrangements for Next Meeting and Adjournment

Wednesday, August 11, 2004 - 9:00 a.m.
 Water Quality Control Board
 Regional Board Meeting Room
 9174 Sky Park Court
 San Diego, California

Notifications

1. **Regional Board Issues 25 Complaints for Assessment of Civil Liabilities for Failure to Pay Annual Fees**
(Vicente Rodriguez and Mark Alpert)

On May 17, 2004, the Executive Officer issued 25 complaints for Administrative Assessment for Civil Liability against dischargers for failure to pay fiscal year 2003 construction storm water annual fees in violation of California Water Code section 13260. The Complaints recommended assessment of liability in the amount of \$960. The dischargers listed below are those that failed to respond to: 1) the original invoice issued by the State Water Resources Control Board (State Board) in January 2004, 2) the Demand Letters issued in February 2004, and 3) Notice of Violations issued on March 30, 2004.

COMPLAINT NO.	WDID	AGENCY /FACILITY	SITE ADDRESS	CITY
R9-2004-0190	S9 37S317472	143 RD TRANSCOM JOINT LOGISTICS OVER SHORE	MARINE CORPS BASE CAMP PENDLETON	OCEANSIDE
R9-2004-0163	S9 30S310444	ASL CONSULTING ENGINEERS 23456 MADERO STE 100	23456 MADERO STE 100	MISSION VIEJO
R9-2004-0164	S9 33C312846	BEAZER HOMES TRACT 29442	BENTON AND POURROY	TEMECULA
R9-2004-0182	S9 37C317592	CARLSBAD CITY CARRILLO RNCH PH II	6200 FLYING L C LANE	CARLSBAD
R9-2004-0177	S9 37C315042	DAN CO FOSTER INVMT CHULA VISTA COMMERCE CTR	674 L ST	CHULA VISTA
R9-2004-0186	S9 37C320577	HARPER CONST CO BACHELORS ENLISTED QUARTERS	B ST AND FOURTEENTH ST	CAMP PENDLETON
R9-2004-0187	S9 37S312882	HARPER NEILSON DILLINGHAM SAN ONOFRE PHASE 1	CHAISSOND DR AND NE	SAN DIEGO
R9-2004-0172	S9 33S312609	HR DEV CO AWALD SERIES	VIA LA VIDA RD	TEMECULA
R9-2004-0183	S9 37C320134	KAISER FOUNDATION KAISER PERMANENTE OUTPATIENT	400 CRAVEN RD	SAN MARCOS
R9-2004-0185	S9 37C320185	KAISER FOUNDATION KAISER OTAY MESA PARKING STRUCTURE	4604 PALM AVE	SAN DIEGO
R9-2004-0179	S9 37C315264	KB HOMESS COASTAL ISIERRA AT EASTLAKE TRAILS	N CREEKSIDE DR AND POLAR SPRIN	CHULA VISTA

R9-2004-0180	S9 37C315265	KB HOMESS COASTAL BRIDLEWOOD 2	HUNTE PKWY AND KING CREEK DR	CHULA VISTA
R9-2004-0189	S9 37S317234	LUCIDI, JOSEPH LUCIDI FARMS	15015 LUCIDI FARMS WAY	POWAY
R9-2004-0175	S9 37C314821	MCK HARMONY GROVE HARMONY GROVE INDUSTRIAL SITE	2175 HARMONY GROVE RD	ESCONDIDO
R9-2004-0181	S9 37C317247	OAKWOOD DEV OTAY RNCH VILLAGE 1 W R 56	SWC OF E PALOMAR RD AND PASEO	CHULA VISTA
R9-2004-0167	S9 33C314771	OMDAHL, HOWARD APN 909 060 043	ADAMS AVE AND ELM ST	MURRIETA
R9-2004-0165	S9 33C312890	PALA RAINBOW LLC PALA RAINBOW	SE HWY 79S AND PALA RD	TEMECULA
R9-2004-0161	S9 30C317504	RICHMOND AMERICAN HOMES LADERA CHESAPEAKE	26818 ONEILL DR	MISSION VIEJO
R9-2004-0162	S9 30C317505	RICHMOND AMERICAN HOMES LADERA CHESAPEAKE	26478 ONEILL DR	MISSION VIEJO
R9-2004-0178	S9 37C315099	SWEETWATER HIGH SCH DIST SWEETWATER UNION HI SCHL DIST	CALIENTE BLVD AT AIRWAY RD	SAN DIEGO
R9-2004-0168	S9 33C315165	VAIL LAKE LLC VAIL LAKE	38000 HWY 79 SOUTH	TEMECULA
R9-2004-0171	S9 33C320480	WILDOMAR INV PARTNERS OLD TOWN MURRIETA 15	LOCATED ON CNR IVY AND THIRD	MURRIETA
R9-2004-0170	S9 33C317493	WOODSIDE HOMES TRACT 24136	NEC OF MAGARITA RD DE PORTOLA	TEMECULA
R9-2004-0176	S9 37C314890	YAN HUI PART CONST BONSALL SUBDIVISION	3700 BLOCK OLD RIVER RD	OCEANSIDE

The Regional Board will consider these matters at its regularly scheduled meeting on August 11, 2004 at the Regional Board meeting room, 9174 Sky Park Court, Suite 100, San Diego, CA 92123.

The dischargers have until July 1, 2004 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the August 11, 2004 Board meeting. Interested Parties may comment on these complaints during the comment period. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M, Wednesday, July 16, 2004. Oral comments can be made at the August 11, 2004 Board Meeting.

These documents can be viewed and copied at the Regional Board's web site at <http://www.swrcb.ca.gov/rwqcb9>. For a copy of these Complaints or more information regarding this matter please contact Frank Melbourn at (858) 467-2973 or via e-mail at melbf@rb9.swrcb.ca.gov.